

Tuesday, August 4, 2009

EDITORIAL: Politics on ICE

In an apparent vendetta against a sheriff in Arizona who is tough on illegal immigration, the Obama administration has crossed another boundary. The treatment of Maricopa County Sheriff Joe Arpaio is yet another sign of the administration's dangerous hyperpoliticization of federal law enforcement.

In the course of a wider crime sweep on July 23 and 24 that netted numerous arrests, the sheriff's department requested permission from U.S. Immigration and Customs Enforcement (ICE) to detain 13 illegal immigrants and transfer them to ICE's custody. The end result, amidst conflicting stories, was that all 13 illegals were let go.

Sheriff Arpaio blamed ICE. However, Matthew Chandler, Washington-based spokesman for the federal Department of Homeland Security (ICE's parent agency), issued a statement saying that "the determination to release these individuals lies solely within the [sheriff's office].... [On July 23], ICE gave the Maricopa County Sheriff's Office permission to interview the three individuals in question, arrest, and initiate removal proceedings - - instead Sheriff Arpaio released them."

Homeland Security's story doesn't pan out. The sheriff's deputies taped the calls to ICE. The recordings show that ICE repeatedly refused permission to take custody of the illegals.

"Right now we cannot authorize you to take her into custody," an ICE official said to one deputy about a woman who had admitted to being illegal. On another call, ICE said: "The only way we can [authorize detainment] is if he has a criminal record." A frustrated deputy replied, "We're just gonna kick him loose then." ICE said: "OK."

The obvious misinformation from the administration might be dismissed ordinarily as a spokesman's one-time goof except that it follows a pattern of misbehavior by Obama appointees that seems intended to undercut the controversial sheriff. On May 29, Arpaio attorney Robert N. Driscoll, former chief of staff at the Civil Rights Division of the Justice Department, sent a complaint letter to both Attorney General Eric H. Holder Jr. and Homeland Security Secretary Janet Napolitano. His letter, amply documented, accuses the two federal departments of "a serious violation of ethical standards of conduct" with regard to three federal "investigations" into Sheriff Arpaio's practices.

Mr. Driscoll claimed that despite multiple assurances to the contrary, officials of the two departments secretly collaborated in an "improper document-sharing arrangement and deceptive scheme to obtain interviews of [sheriff's office] employees without counsel present."

Sheriff Arpaio bills himself as "America's toughest sheriff," but he is a scourge of Washington liberals, who object to his erection of a tent city as an extension of the county jail, his requirement that prisoners wear pink underwear and his aggressive enforcement of immigration laws.

Mr. Driscoll wrote: "When one law-enforcement agency becomes subject to three federal investigations in a matter of weeks immediately after a shift of political control in Washington, it is difficult not to speculate that politics played a role in the decision or that policy differences related to hot-button topics ... are being litigated through enforcement actions.... [It] serve* to heighten concerns about the appearance of politicization of the federal investigative process."

Forcing a sheriff to release illegal immigrants and then falsely blaming him for releasing them only adds legitimacy to those concerns.